

1909-058 Chancery Causes: R. J. Wood & Sons] vs. Louisa Kelly &c  
Lee Co.

Kelley. Wood. Tucker

CA-Debt  
T-Property

-Deed



=====#  
R.J.Wood & Sons, Complainants. #

Vs. #

Bill. #

Louisa Kelly, et al. Defendants. #  
=====#

To the Hon.H.A.W.Sheen, Judge of the Circuit Court for Lee Co.

Your complainants, R.J.Wood, R.L.Wood and R.A.Wood, merchants and partners in trade under the firm name of R.J.Wood and Sone, respectfully represent unto your honor, that on or about the 14th day of March, 1908, one Wm.E.Kelly bought from one Jeff Bledsoe, two certain lots of land, near St.Charles in Lee County, Virginia, for the sum of \$ 200.00; that the said Kelly executed to the said Jeff Bledsoe on the 14th day of March, 1908, five notes as part payments on the land bought by him from the said Bledsoe, and due and payable as follows:  
One note for \$25.00 due On or before Oct., 20th, 1908,  
One Note for \$25.00, due on or before January, 20th, 1909;  
one note for \$25.00, due on or before April, 20th, 1909,  
One Note for \$25.00, due on or before, July, 20th, 1909, and  
~~for \$20.00~~  
One note, due on or before the 20th day of Oct., 1909., and each of which said notes and sums of money being unpaid were on the <sup>27th</sup> ~~2nd~~ day of ~~May~~ April, 1908, and May, 2nd, 1908, assigned by the said Jeff Bledsoe to your orators; that the said Jeff and Elizabeth Bledsoe, his wife by a deed, dated the 1st day of May, 1908, conveyed with covenants of General warranty, said land to the said William E.Kelly, but reserved on the face of said deed, a vendor's lien to secure to him the said deferred payments; a copy of which deed is here filed, marked exhibit "A", and prayed to be taken as a part of this bill, and which copy of said deed, shows and gives a complete description of the lands conveyed to the said Kelly. The said Kelly in his life time ~~xxxxxx~~ paid the two deferred payments on said lands, which became due on the 20th days of April, and July, 1908.

Yourators will further show and represent unto your honor, that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 1908, the said



William E. Kelly departed this life intestate, leaving surviving him, a widow, Louisa Kelly and four infant children, to-wit: May Kelly, Mack Kelly, Andrew Kelly, <sup>and</sup> Patton Kelly as his heirs at law, and to whom said lot of land descended.

Your orator will further represent unto your honor, that on their motion, the estate of the said William E. Kelly was on the \_\_\_\_\_ day of \_\_\_\_\_, 1909, committed to W. Y. Tucker, the high sheriff of Lee County for administration, but they are informed that as such administrator nothing whatever has or should have come into his hands for administration. X

The premises aforesaid considered, your orators are advised that they have a first lien upon the lands mentioned in said exhibit "A" for the said five notes, amounting to the sum of ~~\$15.00~~ \$125.00, with interest on each from the time they came or will become due, which line, however, is capable only of being enforced in a court of chancery; and that is the object and purpose of this bill.

The prayer therefore of your orators is, that the said Louisa Kelly, May Kelly, Mack Kelly, Andrew Kelly, Patton Kelly and W. Y. Tucker, administrator of the estate of said William E. Kelly be made parties defendants to this bill of complaint; that the said Louisa Kelly and W. Y. Tucker, as administrator of said William E. Kelly's estate in their own proper person be required to answer this bill of complaint, but they need not do so on oath as that is waived; that a guardian ad litem be appointed for the said May Kelly, Mack Kelly, Andrew Kelly and Patton Kelly infants under 21 years of age, and answer for them; that your orators as assignees of the said Jeff Bledsoe be decreed to have a vendor's lien upon the said lands, for the sum of \$125.00, with interest thereon according to time of payment as mentioned in said deed, and the costs of this suit; that all necessary orders of reference be made herein; and that if said sum of money be not paid, said lands, ~~or~~ enough thereof to pay said debt be decreed



to be sold upon such terms and manner as the court may deem proper. And that all other further and general relief be awarded your orators, as may be necessary to meet the requirements of good conscience and equity. And they will ever pray, etc.

Pennington Bros. P.Q.



Costs:

Clerk \$5.01

Tax 1.50

Atty. 15.00

G.A.L. 5.00

Estimated 5.00  
\$31.51

R. J. Hood & Sons

vs } Rice

Louisa Kelly et al

Filed July 24<sup>th</sup> 1909

J. A. G. Hyatt D.C.

1909 2<sup>nd</sup> Aug Rules

\$ Legal service ac-  
cepted by adult - Deft  
Mrs G.A.L. filed &

D.N.

" 1<sup>st</sup> Sept. Rules

D.N. confirmed &  
cause set for hearing.



In the Circuit Court for the County of Lee,  
to-wit:

THE ANSWER OF May Kelly, Mack, Kelly, et  
Andrew Kelly et Patten Kelly

infant under the age of twenty-one years, by M. G. Ely  
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by R. J. Wood and Sons, and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, say that they are infants of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of their rights and interests, They therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to their prejudice.

And having answered, the respondent pray to be hence dismissed with  
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

W. County  
OF  
Lee } ss.

This day, M. G. Ely, whose name is signed to  
the foregoing answer, personally appeared before me, H. C. Joslyn a Justice  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 4<sup>th</sup> day of Aug 1907 —  
H. C. Joslyn J. P.



*Laura Kelly et al*

adv. }

ANSWER  
OF  
INFANT DEFENDANT.

*R. J. Wood, Ed. Coun.  
Filed Aug. 4<sup>th</sup> 1909  
J. A. G. Wynter, C.*

*H. A. L. Fee \$5<sup>00</sup>*



|                                   |   |              |
|-----------------------------------|---|--------------|
| =====                             | # |              |
| R. J. WOOD & SON, Complainant,    | # |              |
|                                   | # |              |
| vs.                               | # | In Chancery. |
|                                   | # |              |
| Louisa Kelly, et als. Defendants. | # |              |
| =====                             | # |              |

This cause came on this the \_\_\_\_\_ day of December, 1909, to be further heard upon the papers formerly read herein, and the report of Commissioner, E. W. Pennington, filed herein, on the \_\_\_\_\_ day of November, 1909, and was argued by counsel.

On consideration of all which and said report not being accepted to, and for reasons appearing to the Court, it is hereby adjudged, ordered and decreed that said report -and sale of said lands, to the said R. J. Wood be, and the same is hereby approved and confirmed.

And it is further adjudged, ordered and decreed that E. W. Pennington, who is hereby appointed a Special Commissioner for the purpose, will make, execute and deliver to the said R. J. Wood a good and sufficient deed to the two lots of land purchased by her in this cause, with covenants of special warranty. And he having executed such a deed, which is filed in this cause, it is further adjudged, ordered and decreed that said deed of the said Pennington to the said Wood be, and the same is hereby approved and confirmed.

It is further adjudged, ordered and decreed that a writ of possession be, and the same is hereby awarded to the said R. J. Wood for said lands so purchased and conveyed to her, to be issued by the Clerk of this Court at any time next hereafter upon the request of the said R. J. Wood.

And it is further adjudged, ordered and decreed that said E. W. Pennington pay to those entitled the said (\$36.01) thirty-six dollars and one cent, taking receipts from those to whom he shall have paid the same. And it appearing that the said Pennington has so paid said sum of money out to those entitled, it



is adjudged, ordered and decreed that the payments so made by him, be, and the same are hereby approved and confirmed.

There being nothing further to be done in this cause, it is ordered that the same be, and the same is hereby stricken from the docket:



R. J. Hood & Sons

use Deem  
final

Louisa Kelly

Entered in Colls  
No. 1, page 558

Enter this  
Dec. 6, 1909

H. C. C. C. C.



R. J. Woods & Sons

Complainants

vs,

In Chancery

Louisa Kelly et al

Defendants

This case came on this the \_\_\_\_\_ Sept. 1909, to be heard upon the bill of the complainants and exhibits filed therewith. The answer of Mary Kelly, Mack Kelly, Andrew Kelly and Patton Kelly, infants under the age of 21 years, by M. G. Ely their guardian ad litem replication to said answer, and was argued by Counsel.

It appearing to the court that Louisy Kelly and W. Y.

Tucker the two adult defendants in this cause, which accepted *service of process in this cause* ~~was~~ more than fifteen days before the first day of this term of court, *and they failing to appear and plead or answer* On motion of the complainants this cause is taken for confessed. *and for* In consideration of all which ~~they have~~ reasons appearing *the* to court, it is hereby adjudged, ordered and decreed, that said complainants recover from W. Y. Tucker, administrater of the estate of Wm. E. Kelly the following sums, to wit: \$25.00 with interest thereon from October 20th, 1908 till paid, \$25.00 with interest thereon from January 20th 1909 till paid, \$25.00 with interest thereon from the 20th day of April, 1909 till paid, \$25.00 with interest thereon from the 20th day of July, 1909 till paid, and \$25.00 with interest thereon from the 20th day of October, 1909 till paid and the costs of this suit. And it is further adjudged, ordered and decreed that if said sums of money, interest ~~and costs~~ *thereof* *of this suit* be not paid within thirty days from this date by the said W. Y. Tucker as administrater aforesaid or some one for him, then, and in that case E. W. Pennington, who is hereby appointed a special commissioner for the purpose will ~~offer~~ advertising the time, terms and place of sale at as many as three public places in this county *for* ~~in~~ thirty days by posted *ing* written or printed notices of such sale, one of which shall be posted at the front door of the Court House of this county, one at the front door of the post office in the town of Pennington Gap, and one in the town of St. Charles, will proceed to sell at public auction to the highest and best bidder



at the front door of the post office in the town of Pennington Gap, the two tracts of land mentioned in the exhibit "A" filed with the bill of said complainants or enough thereof to pay the said several sums of money, the cost of this suit and commissions of sale, on a credit of six and twelve months time, except a sum sufficient to pay the cost of this suit and commissions of sale, he will require to be paid down, and for the residue of the purchase price of the land so sold, he will take notes payable to himself as such commissioner bearing interest from date of sale, and with good personal security. And he will report his action to court at some future time thereof. But before performing the duties hereunder ~~the~~said Pennington will execute vond before the clerk of this court in a penal sum of three hundred(\$300.00) dollars conditioned to faithfully perform his duties as such commissioner, and to account for all monies that may come into his hands as such commissioner. And this cause is continued.



R. J. Hood & Sons

or } Deane

Louisa Kelly Hal

Entered in CO. 12  
# 8, page 5-13 &c.

Enter this  
Sept 14, 1909  
Hawes



|                                   |   |              |
|-----------------------------------|---|--------------|
| =====                             | # |              |
| R. J. Wood & Son, Complainant,    | # |              |
|                                   | # | In Chancery. |
| Vs.                               | # |              |
|                                   | # |              |
| Louisa Kelly, et als. Defendants. | # |              |
| =====                             | # |              |

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Your undersigned commissioner begs leave to report that, in pursuance to the decree entered in the above styled cause, on the 14th day of September, 1909, after having advertised the time, terms and place of sale as required by said decree, on the 6th, day of November, 1909, at the front door of the Post Office, in the town of Pennibgton Gap, Lee County, Virginia, at Public auction he offered the land in the bill and proceedings mentioned, on the terms required in said decree that after considerable efforts in getting a purchaser for said lands the same was knocked down to R. J. Wood at the price of (\$95.00) ninety-five dollars, she being the last, best and highest bidder for the same. She has paid to your Commissioner the sum of (\$36.01) Thirty-six dollars and one cent to cover the costs of this suit and commissions of sale. As the debt for which said lands were being sold was due to the said R. J. Wood & Son, your Commissioner did not take from her any notes. Your commissioner has inquired about the lands so sold and from information obtained, he is of the opinion that the land has sold for as much as may be expected to be obtained for it. He therefore recommends the sale of said lands to the said R. J. Wood to be confirmed.

All of which is respectfully submitted this the 17th day of November, 1909.

E. H. Greenington

Commissioner.



R. J. Hood & Sons  
vs. ~~Reaper~~  
Lade

Laurie Kelley

Filed Nov. 19, 1909.  
H. C. Ewing,  
Clerk.



THIS DEED, made this the 1st day of May, 1908, by and between Elizebeth Bledsoe and Jeff Bledsoe her husband, parties of the first part, and William F. Kelly party of the second part:

W I T N E S S E T H : -

That the said first parties for and in consideration of the sum of two hundred dollars(\$200.00), paid and to be paid as follows, to-wit: twenty-five dollars(\$25.00) thereof in hand paid the receipt whereof is hereby acknowledged; twenty-five dollars(\$25.00) due and payable April, 20, 1908; twenty-five dollars(\$25.00) due and payable July, 20, 1908; twenty-five dollars(\$25.00) thereof due and payable October, 20, 1908; twenty-five dollars (\$25.00) thereof due and payable January, 20, 1909; twenty-five dollars (\$25.00) thereof due and payable April, 20, 1909; twenty-five dollars (\$25.00) thereof due and payable July, 20, 1909; and twenty-five dollars (\$25.00), due and payable October, 20, 1909: all of which deferred payments are evidenced by the several notes of the said second party bearing date on the 14th day of March, 1908; the said first parties do and each of them doth hereby give, grant, and convey unto the said second party two certain lots or parcels of land, lying and being in Lee County, Virginia, in the Pocket Country, on Bug Branch, the first of which tract or parcel of land being the same land conveyed to the said Elizebeth Bledsoe by deed dated April, 28, 1908, by Michael Head and wife, and which deed is of record in the Clerk's Office for Lee County, Virginia, in Deed Book No. 43 page No. 125, and is bounded as follows, to-wit:

BEGINNING on a rock corner to Mary F. Wax land near a ditch out by a spring; thence southward 6 feet with said ditch to another rock; thence westward 47 feet to another rock; thence Northward 96 feet to another rock in Mary F. Wax's line; thence with said Wax's line 51 feet to the BL



GINNING:

The second of which tract of land being the same land conveyed to the said Elizebeth Bledsoe by deed dated December, 18, 1808, by W. L. Tax, and which deed is of record in the Clerk's Office for Lee County, Virginia, in Deed Book No. 45 page 220, and to which deed reference is here made, and this tract of land is bounded as follows, to-wit:

beginning on a stake and white oak on the bank south of the road that runs up Big Branch running east parallel to said road 60 feet to a stake in Mitchell Head's land on the south bank of said road; thence south with said line 115 feet to said line of Bledsoe's line; thence with said line 55 feet to said Tax's line; thence with said Tax's line 124 feet to the BEGINNING. Together with all of the appurtenances unto the said lot of land belonging, to have and to hold the said two lots of land unto the said second party, his heirs and assigns forever in fee simple.

And the said first parties covenant with the said second party that they will warrant generally the title to the said two tracts of land; and the said first parties for themselves, their heirs and assigns do hereby retain a vendor's lien in and upon the said two lots or tracts of land until each and all of said deferred payments are paid in full.

Witness the following signatures and seals.

\_\_\_\_\_(Seal)

\_\_\_\_\_(Seal)



Wm E. Kelly

From } deed

Jeff Bleeker wife

Exhibit "A"



THIS DEED, made this the 1st day of May, 1908, by and between Elizabeth Bledsoe and Jeff Bledsoe her husband, parties of the first part, and William E. Kelly party of the second part:

W I T N E S S E T H:

That the said first parties for and in consideration of the sum of two hundred dollars (\$200.00), paid and to be paid as follows, to-wit: twenty-five dollars(\$25.00) thereof in hand paid the receipt whereof is hereby acknowledged; twenty-five dollars (\$25.00) due and payable April, 20, 1908; twenty-five dollars(\$25.00) due and payable July, 20, 1908; twenty-five dollars (\$25.00) thereof due and payable October, 20, 1908; twenty-five dollars (\$25.00) thereof due and payable January, 20, 1909; twenty-five dollars (\$25.00) thereof due and payable April, 20, 1909; twenty five dollars(\$25.00) thereof due and payable July, 20, 1909; and twenty-five dollars (\$25.00), due and payable October, 20, 1909; all of which deferred payments are evidenced by the several notes of the said second party bearing date on the 14th day of March, 1908, the said first parties do and each of them doth hereby give, grant, and convey unto the said second party two certain lots or parcels of land, lying and being in Lee County, Virginia, in the Pocket Country, on Big Branch, the first of which tract or parcel of land being the same land conveyed to the said Elizabeth Bledsoe by deed dated April, 28, 1908, by Michael Head and wife, and which deed is of record in the Clerk's Office for Lee County, Virginia, in Deed Book No. 43 page No. 125, and is bounded as follows, to-wit:

✓ BEGINNING on a rock corner to Mary F. Wax land near a ditch cut by a spring; thence southward 26 feet with said ditch to another rock; thence westward 47 feet to another rock; thence Northward 96 feet to another rock in Mary F. Wax's line; thence



with said Wax's line 51 feet to the BEGINNING:

The second of ~~which~~ tracts of land being the same land conveyed to the said Elizabeth Bledsoe by deed dated December, 18, 1906, by W. H. Wax, and which deed is of record in the Clerk's office for Lee County, Virginia, in Deed Book No. 45 page 200, and to which deed reference is here made, and this tract is bounded as follows, to-wit:

BEGINNING On a stake and white oak on the bank south of the road that runs up Big Branch running east parallel to said road 60 feet to a stake in Micheal Head's land on the south bank of said road; thence south with said Head's line 115 feet to said Bledsoe's line; thence with said Bledsoe's line 55 feet to said Wax's line; thence with said Wax's line 124 feet to the Beginning, Together with all of the appurtenances unto the said lot of land belonging. To have and to hold the said two lots of land unto the said second party his heirs and assigns forever in fee simple. /

And the said first parties covenant with the said second party that they will warrant generally the title to the said two tracts of land; and the said first parties for themselves, their heirs and assigns do hereby retain a vendor's line in and upon the said two lots or tracts of land until each and all of said deferred payments are paid in full.

Witness the following signatures and seals.

|                    |                     |        |
|--------------------|---------------------|--------|
| Witness W. P. Wood | Elizabeth x Bledsoe | (Seal) |
|                    | her<br>mark         |        |
|                    | Jeff Bledsoe        | (Seal) |

Virginia,

Lee County, to-wit:

I, W. P. Wood a Notary Public in and for the county of Lee and State of Virginia, do hereby certify that Elizabeth Bledsoe and Jeff Bledsoe, whose names are signed to the foregoing deed, bearing date on the 1st day of May, 1908 have acknowledged the same before me in my county aforesaid.



Given under my hand this the 12th day of Sept. 1908.

W. P. Wood, N. P.

My Commission Expires Jan 29th 1910

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 8th day of February, 1909, this deed was presented, and together with the certificate annexed, admitted to record.

Teste: H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

By J. A. Hyatt D. C.

D.B.48, Page 83 etc.



Wm E. Keely  
From } Dred  
Elizabeth Bledsoe, et al,

Copy

Cluk 85¢



2.

R. J. Hood & Sons

vs -

|                                   |       |      |
|-----------------------------------|-------|------|
| Samia Tully, et al                |       |      |
| Note Int from 10/20/08 to 11/6/09 | 25    | 00   |
| Int to 11/6/09                    | 1     | 30   |
| Note Int. from 1/20/09 to 11/6/09 | 25    | 00   |
| Int to 11/6/09                    | 1     | 20   |
| Note Int from 4/20/09 to 11/6/09  | 25    | 00   |
| Int to 11/6/09                    |       | 80   |
| Note Int from 7/20/09 to 11/6/09  | 25    | 00   |
| Int to 11/6/09                    |       | 50   |
| Note Int from 10/20/09            | 25    | 00   |
| Total of debts                    | 128   | 80   |
| Costs taxed                       | 31    | 50   |
| Cash. amt 160.30                  | 39.80 | 8 30 |
| Total                             | 168   | 60   |

6 + 12 mos. time



2 15

736.11  
215.00  

---

521.11

192.25  

---

9.6125  
19.87  

---

.42



**The Commonwealth of Virginia,**

**To the Sheriff of the County of Lee, Greeting:**

WE COMMAND YOU, That you summon

*Laurisa Kelley, Mary Kelley,  
Mark Kelley, Andrew Kelley and  
Tatton Kelley (all of whom are infants  
except Laurisa Kelley) and H. M. Tinker  
Admins. of the estate of W<sup>m</sup> E. Kelley, Decedent,*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the 3<sup>rd</sup> Monday in August 1909, to answer a bill in chancery exhibited against them

*in our said Court by R. J. Wood, R. L. Wood,  
and R. A. Wood, partners in trade under  
the firm name of R. J. Wood & Sons*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 28<sup>th</sup>  
day of July, 1909, and 18<sup>4</sup>-year of the Commonwealth.

A Copy, Teste

*J. A. S. Hyatt*, Clerk

*H. C. T. Ewing*, Clerk  
*By J. A. S. Hyatt*



I hereby accept legal service of the within process.  
Given under my hand, this the 27th day of July, 1909.

Mrs Louisa Kelly

origin given name on the above line

R. J. Wood & Sons

VS

}

SUBPOENA  
IN  
CHANCERY

Louisa Kelly

Pennington Bros p. q.

To 2<sup>nd</sup> August Rules  
Lee Circuit Court



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Louisa Kelley, Mary  
Kelley, Mack Kelley, Andrew Kelley and  
Patton Kelley (all of whom are infants  
except Louisa Kelley) and W. C. Tucker  
Adminr of the estate of W<sup>m</sup> E. Kelley deceased,*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *3<sup>rd</sup>* Monday in *August* 190*7*, to answer a bill in chancery exhibited against *them*

*in our said Court by R. J. Wood, R. L. Wood  
and R. A. Wood, partners in trade under  
the firm name of R. J. Wood & Sons.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *23<sup>rd</sup>*

day of *July*, 190*7*, and 1 *34*-year of the Commonwealth.

A Copy, Teste:

\_\_\_\_\_, Clerk

*H. C. T. Ewing* Clerk

*By J. A. G. Speck H. C.*



R. J. Wood & Sons

VS

}

SUBPOENA  
IN  
CHANCERY

Louisa Kelly et al

Pennington Bros p. q.

To 2<sup>nd</sup> August Rules

Lee Circuit Court

I hereby accept legal  
service of the  
within 2<sup>nd</sup> August,  
this W. J. Lucker



C. 5.01

Nov 1.00

Dec 15.00

Jan 5.00

Feb 14.00

31.57

136.01

R. J. Wood & Sons

vs } Rice

with R. J. Wood & Sons  
Louisiana Kelly etc al